

Exhibit A

Mar-28-05 01:19pm From: Department of State, L/EJ
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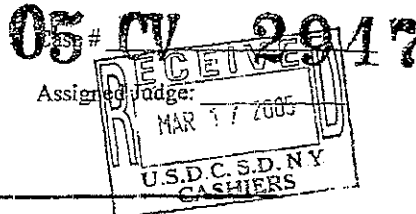
Judge Hellerstein UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

J. K. Idema, Brent Bennett,
Edward Caraballo, and,
Zorro Rasuli Banderas,
Petitioners,

Vs.

Condoleezza Rice, Secretary of State,
Zalmay Khalilzad, Ambassador, and,
Robert S. Mueller, Director of the FBI,
Respondents

PETITION FOR WRIT
OF HABEAS CORPUS
28 U.S.C. §2241



NOW COMES, Petitioner, J. K. Idema, through counsel, and Petitioners Edward Caraballo, Brent Bennett, and Zorro Wahid Rasuli Banderas, through their next friend, J. K. Idema, acting in their behalf, and move this Honorable Court, pursuant to 28 U.S.C. §2241, for an ORDER: 1) barring the United States government from intercepting, delaying, obstructing, or refusing mail between the petitioners and their attorneys, family, and friends; 2) ordering the Federal Bureau of Investigation to return exculpatory evidence and personal property confiscated and seized illegally from Petitioners without jurisdiction, 3) ordering the Respondents to cease all communication, intended to obstruct justice, with the government of Afghanistan related to the Petitioners' criminal case in Afghanistan, 4) ordering the Respondents, and/or their agents, from conducting continuing illegal searches and seizures, 5) ordering the Respondents to acknowledge protected status and abide by the Geneva Conventions and other protections to which Petitioners are entitled to, 6) removing all restrictions on liberty which Respondents have imposed upon Petitioners through their agents, through the use of rendition, 7) ordering Respondents to cease and desist their privacy violations and release of personal, private, and privileged information to the public and to the press. In support thereof, Petitioners show unto this Court the following:

- 1 -

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speed their recovery and heal bruises when outside or family inquiries are made as to their whereabouts. One example of this is Haji Daoud Zalmia from Maidanshar, one of Petitioners' cellmates who barely survived Amrullah's bloody torture sessions. Other prisoners, with gruesome cigarette burn scars or electrical burns are threatened with execution if they show their injuries to the Red Cross. Major Ezmerai was threatened with death and the arrest of his family if he showed his electrical burns during Petitioners' court appearances because there were dozens of reporters and cameramen present. Others are threatened with execution if they show their injuries (cigarette burns, bruises, lacerations, electrical burns, etc.) to Red Cross visitors. Recently, after the Red Cross was finally allowed monthly visits, severely tortured prisoners would be transferred back to the secret NDS basement torture chamber in another building just prior to a Red Cross visit.¹³ Prisoners who die as the result of torture are secretly removed at night under cover of darkness by placing their bodies in the back of Amrullah's Land Cruisers and taking them to an undisclosed location "for disposal."

24 Petitioners were eventually charged with various crimes under Afghan law, to include secretly entering the country illegally and with false Indian passports (Idema, Bennett, and Caraballo), running a private and/or illegal jail, and torture. It should be noted that: a) the three Americans held valid U.S. passports, entered the country legally, have never had Indian passports, and were issued visas at the written request of the Department of Defense; b) they maintained a "safe house" for transfer of captured terrorists with full knowledge of Afghan and U.S. government officials; and, c) ironically, they were falsely accused of using the very same torture tactics that NDS had in fact used on Petitioners and continues to use on most persons in NDS custody. In other words, NDS, acting on behalf of the FBI, used their own experience with torture and coercion tactics to draft their false accusations against Petitioners.

¹³ The United Nations has never been allowed to inspect NDS *Saderat* and the Red Cross is severely restricted and has admitted that the FBI and Afghan NDS limit access only to those areas where violations cannot be documented.

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captured by Petitioners and released at the request of Respondents and/or the Afghan officials named previously. One terrorist, Ghulamsaki, has a brother (Mohammad Asef, an al-Qaida operative) in detention at the Guantanamo Bay terrorist confinement facility (GITMO). Ghulamsaki also has a brother-in-law who is Osama bin Laden's Chief of Security (known as "Daoud"). Ghulamsaki had been unsuccessfully sought by the FBI for months. Petitioners captured Ghulamsaki, and the FBI later interrogated him with Idema acting as the primary interrogator. Ghulamsaki described his group's terrorist plans to attack Bagram Airbase and kill U.S. soldiers with explosive laden fuel trucks. The FBI Field Agents determined and concluded that Ghulamsaki was in fact a terrorist working with others terrorists captured by Petitioners, to murder U.S. citizens. After Respondents arranged the release of Ghulamsaki, the DYNCORP bombing occurred. Intelligence assets for Counterr Group learned shortly thereafter that Ghulamsaki and his brother-in-law had conducted the DYNCORP bombing in Kabul. The FBI has since classified the FBI "302 Field Reports" relating to the interrogation and confession of Ghulamsaki taken by Idema and U.S. government agents. This was the intentional withholding of exculpatory evidence which Petitioners required and had a right to

41. By September 15, 2004, the hearings were over and the trial was convened.²² The entire trial took less than three hours. No evidence was, or has ever been, presented against Petitioners to this date. No testimony,²³ no physical evidence, no scientific evidence, no evidence of any kind, only statements by the "former" Taliban prosecutor, Dawari, who heavily relied on newspaper articles as his "physical" evidence. Petitioners were not allowed to call witnesses, and one of the Petitioners' attorneys was ordered to stop reading the defense statement after finishing the first paragraph of a 20+ page defense statement. Caraballo's attorney was threatened with arrest by Bakhtyari during

²² The three Americans and four Afghans were convicted of running a private prison, illegally arresting and torturing suspected terrorists, and secretly entering Afghanistan with forged Indian passports to begin their pursuit of al-Qaida terrorists.

²³ The sole statements by government witnesses were given during the arraignment. They were unsworn, and were categorized as "for informational purposes only for the journalists here" by Bakhtyari.

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VERIFICATIONS OF PETITIONERS

Pulacharke Prison, Kabul, Islamic Republic of Afghanistan: ss

- 1 I am a Petitioner in the §2241 Case of Idema, *et al*, v Rice, *et al* SDNY,
- 2 I declare under the penalties of perjury as follows, but expressly not limited thereto:
- 3 The facts stated in Petitioners Application and Motion For a Writ of habeas Corpus under 28 U.S.C. §2241, are personally known to me and, if called as a witness, I could testify competently thereto, except to those facts stated under information and belief, which I believe to be true.
4. Further Declarant sayeth not.

Executed under the penalties of perjury, in accordance with 17 U.S.C. §1746 on this
___ Day of March 2005, in the Islamic State of Afghanistan.

S
J K Idema, Declarant/Petitioner

Pulacharke Prison, Kabul, Islamic Republic of Afghanistan: ss

- 1 I am a Petitioner in the §2241 Case of Idema, *et al*, v Rice, *et al* SDNY,
- 2 I declare under the penalties of perjury as follows, but expressly not limited thereto:
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4. Further Declarant sayeth not.

Executed under the penalties of perjury, in accordance with 17 U.S.C. §1746 on this
___ Day of March 2005, in the Islamic State of Afghanistan.

S
Brent Bennett, Declarant/Petitioner

Pulacharke Prison, Kabul, Islamic Republic of Afghanistan: ss

- 1 I am a Petitioner in the §2241 Case of Idema, *et al*, v Rice, *et al* SDNY,
- 2 I declare under the penalties of perjury as follows, but expressly not limited thereto:
- 3 The facts stated in Petitioners Application and Motion For a Writ of habeas Corpus under 28 U.S.C. §2241, are personally known to me and, if called as a witness, I could testify competently thereto, except to those facts stated under information and belief, which I believe to be true.
- 4 Further Declarant sayeth not.

Executed under the penalties of perjury, in accordance with 17 U.S.C. §1746 on this
___ Day of March 2005, in the Islamic State of Afghanistan.

S
Ed Caraballo, Declarant/Petitioner

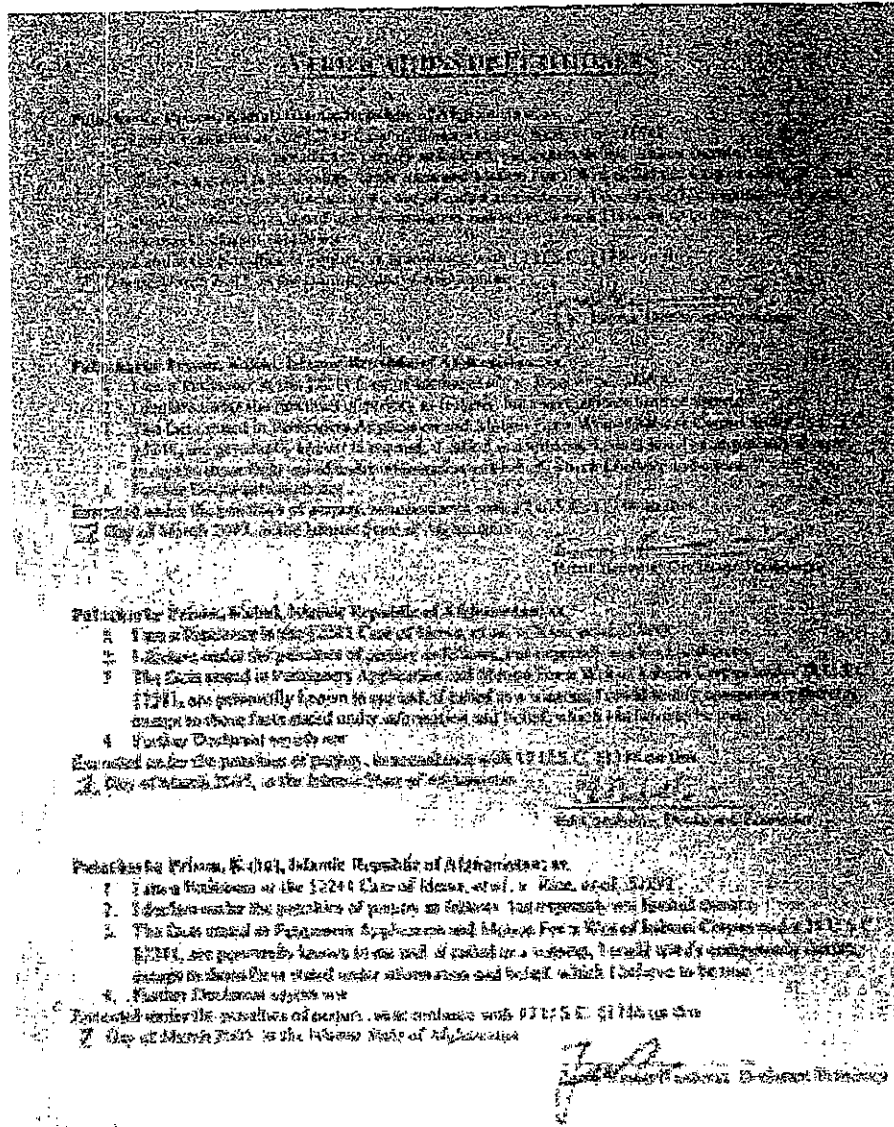
Pulacharke Prison, Kabul, Islamic Republic of Afghanistan: ss

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- 4 Further Declarant sayeth not.

Executed under the penalties of perjury, in accordance with 17 U.S.C. §1746 on this
___ Day of March 2005, in the Islamic State of Afghanistan.

S
Zorro Rasuli Banderas, Declarant/Petitioner

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CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing Application for Writ of Habeas Corpus § 2241 has been duly served upon the below named Respondents by depositing the Writ in the mail in the U S Post Office, via next day air mail, addressed as follows;

Robert S. Mueller
Director
Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue, NW
Washington, DC 20535

Condoleezza Rice
Secretary of State
US Department of State
2201 C Street NW
Washington, DC 20520

Zalmay Khalilzad
Ambassador
US Department of State
6180 Kabul Place
Dulles, VA 20189

This 11 day of March 2005.


John Edwards-Tiffany